

APPEAL NO. 021409
FILED JULY 3, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 20, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability from _____, through the date of the CCH.

The appellant (carrier) appeals, contending that the claimant was not injured in the course and scope of his employment and that the hearing officer's decision is not supported by the evidence. The claimant responds, urging affirmance.

DECISION

Affirmed.

The claimant, a roofer, testified that he injured his back lifting a roll of roofing paper on _____. The crux of this case is whether the claimant was injured as he testified or whether he injured his back at home moving furniture. There appears to be little dispute that the claimant has a large herniated disc at L4-5.

How the claimant was injured is strictly a question of fact, and the evidence was in conflict. It is for the hearing officer, as the sole judge of the weight and credibility of the evidence to resolve the conflicts and inconsistencies in the evidence and decide what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer' decision and order are affirmed.

The true corporate name of the insurance carrier is **ARGONAUT-SOUTHWEST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH A. YURKOVICH
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Roy L. Warren
Appeals Judge